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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,136	07/09/2003	John C. Artz JR.	VIGN1470-1	2094
44654 7590 08/19/2008 SPRINKLE IP LAW GROUP 1301 W. 25TH STREET SUITE 408 AUSTIN, TX 78705				
EXAMINER				
HUSSAIN, TAUQIR				
ART UNIT		PAPER NUMBER		
2152				
MAIL DATE		DELIVERY MODE		
08/19/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/616,136

Applicant(s)

ARTZ ET AL.

Examiner

TAUQIR HUSSAIN

Art Unit

2152

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-12, 14-23 and 25-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-12, 14-23 and 25-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This office action is in response to amendment /reconsideration filed on 05/15/2008, the amendment/reconsideration has been considered. Claims 1, 12, 23 and 25-33 have been amended, Claims 1, 3-12, 14-23 and 25-33 are pending for examination, the rejection cited as stated below.

Response to Arguments

2. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 12 and 23 are rejected under 35 U.S.C. 102(e) as being unpatentable over Selgas et al. (Pub No.: Us 2002/0029275 A1), hereinafter "Selgas" in view of Peter et al. "Intellignet Miner for Data Application Guide", hereinafter "Peter".

5. As to claim 1, Selgas discloses, defining at least a first stream and a second stream from a network topology which represents a logical website (Selgas, Fig.1, [0058, lines 1-6], where user1 and UserX are first and second streams and ISP's are logical websites), wherein each of the streams is a logical data source comprising a one

or more servers (Selgas, [0099], where pinger message to a service is logical data source and services are provide by one or more servers) wherein each server has hosts, data location or combination thereof associated with the server (Selgas, Fig.2, [0099], where each ISP connects the client to access service provider 106 which performs as host or location for ISP), and wherein each server is responsible for running a different portion of the logical website (Selgas, Fig.2, [0099], where each server/DB provides different information);

Associating incoming data with one of the streams based on a source of the incoming data (Selgas, [0100], where pinger defines the stream between user 110 and access service 106), wherein the source is one of the one or more servers or one of the hosts or data locations associated therewith (Selgas, [0101], where stream is invariably linked to user databases 204-210 to access service data base 220);

Calculating a data loss for each stream (Selgas, Fig.3, [0111, lines 1-11], where registry files are analyzed and verified if the files are installed and correct, where incorrect files will be data loss), wherein the data loss is calculated between a next event and a last event in the stream (Selgas, [0111, lines 31-37], where configuring and reconfiguring takes place in multiple session connection which means first connection is first event and second connection is next event) ; and

Determining whether each stream has a gap based upon the calculated data loss (Selgas, Fig.3, [0111], where determining is configuring and reconfiguring based on the correct or incorrect of configuration file).

Selgas however is silent on disclosing explicitly, streams associated with a particular user's activities or associated with that user's activities or when all streams are gap free, recreating the user's activities or when all streams are gap free, creating the user's activities or the incoming data comprises data regarding previous activities at one of the one or more servers, hosts , or data locations.

Peter however discloses, streams associated with a particular user's activities or associated with that user's activities (Peter, Page27, paragraph 3.1, where customer profile is equivalent to data relative to a particular user's activity and Page.28 where user's purchase behavior is equivalent to data associated with particular user's activity) and further, when all streams are gap free, recreating the user's activities (Peter, Page.30, first paragraph, where creating customer segments based on variables that calculate customer profitability is equivalent to creating user's activity and using variables to calculate means data is gap free).

Peter further discloses, the incoming data comprises data regarding previous activities at one or more servers, hosts or data locations (Peter, Page.38, paragraph 4.3.2.1 Data Cleaning, where missing value , unknown value, invalid value can be interpret as gap between the data and profiling the data means data is stored on some locations or at some server or host).

Therefore it would have been obvious to one of the ordinary skilled in the art at the time the invention was made to combine the teachings of Selgas with the teachings of Peter in order to use data mining to identify new business opportunities and reduce the cost of marketing campaigns to existing customers.

6. Claims 3- 6, 14-17 and 25-28 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Selgas and Peter as applied to claims 1, 12 and 23 above in view of Zarefoss (Pub. No.: US 2002/0095322 A1), hereinafter "Zarefoss".

7. As to claims 3, 14, 25 Selgas and Peter discloses the invention substantially as in parent claims 1, 12 and 23. Selgas however is silent on disclosing explicitly, "stopping the processing of stream if the stream's calculated data loss is greater than a first user defined threshold".

Zarefoss however discloses, "stopping the processing of stream if the stream's calculated data loss is greater than a first user defined threshold" (Zarefoss, Fig.3b, [0015], where data processing is stopped and wait an amount of time until an uninterruptible supply of data can be guaranteed according to the user defined threshold).

Therefore, it would have been obvious to one of ordinary skilled in the art at the time the invention was made to combine the teachings of Selgas and Peter with the teachings of Zarefoss in order to provide a method of virtual reacquisition of data for the purpose of quality enhancements.

8. As to claims 4, 15, 26, Selgas, Peter and Zarefoss discloses the invention substantially as in parent claims 3, 14 and 25, including, wherein the processing resumes according to a second user defined threshold (Zarefoss, Fig.3b, [0015], process resume if streaming is under threshold value and goes to step 316).

9. As to claims 5, 16, 27, Selgas, Peter and Zarefoss discloses the invention substantially as in parent claims 1, 13 and 23, including, wherein the data loss is a time difference between the occurrence of the next event and the last event (Selgas, [0111], where configuring and reconfiguring are done at different time interval, where second connection was attempted after dropping or disconnected prematurely).

10. As to claim 6, 17, 28, Selgas, Peter and Zarefoss discloses the invention substantially as in parent claims 5, 16 and 27, including, further comprising stopping the processing of every stream if the first or second stream's calculated time difference is greater than a first time period. (Zarefoss, Fig.3b, step-314, where threshold is set and is user defined, therefore setting up an additional threshold will be an obvious variation from Zarefoss teachings).

11. Claims 7-11, 18-22 and 29-33 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Selgas, Peter and Zarefoss in views of Glaser et al. (Pub. No.: US 2006/0271989 A1), hereinafter "Glaser".

12. As to claims 7, 18 and 29, Selgas, Peter and Zarefoss discloses the invention substantially as in parent claims 6, 17 and 28. Selgas and Zarefoss however are silent on, further comprising storing any data received while processing is stopped. Glaser however, discloses, further comprising storing any data received while processing is stopped (Glaser, [0057, lines 10-15]).

Therefore, it would have been obvious to one ordinary skilled in the art at the time the invention was made to combine the teachings of Selgas, Peter and Zarefoss with the teachings of Glaser to provide a system to store the data for future download to continue after retransmission of data starts at different time.

13. As to claims 8, 19 and 30, Selgas, Peter, Zarefoss and Glaser discloses the invention substantially as in parent claims 7,18 and 29, including, comprising sending a notification (Glaser, [0057, lines 10-15, where sent signal is a notification to stop the transmission).

14. As to claims 9, 20 and 31 Selgas, Peter, Zarefoss and Glaser discloses the invention substantially as in parent claims 7,18 and 29, including, further comprising resuming processing of the first or second stream upon reception of more data associated with the first or second stream (Glaser, [0076, lines 21-35]).

15. As to claims 10-11, 21-22, 32-33 are rejected for the same rationale as applied to parent claims 7, 18 and 29 above.

16. **Examiner's Note:** Examiner has cited particular columns and line numbers in the references, as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing

responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention, as well as the context.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAUQIR HUSSAIN whose telephone number is (571)270-1247. The examiner can normally be reached on 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571 272 3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2152

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. H./

Examiner, Art Unit 2152

/Bunjod Jaroenchonwanit/

Supervisory Patent Examiner, Art Unit 2152